

MAR 20 2007

Atty Docket No. 021911-000510US

PTO FAX NO.: 1-571-273-8300

ATTENTION: Examiner Marianne NMN Dibrino

Group Art Unit 1644

**OFFICIAL COMMUNICATION**  
**FOR THE PERSONAL ATTENTION OF**  
**EXAMINER Marianne NMN Dibrino**

**CERTIFICATION OF FACSIMILE TRANSMISSION**

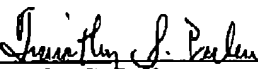
I hereby certify that the following documents in re Application of Miles W. Carroll, et al. ,  
Application No. 10/774,176, filed February 6, 2004 for POLYPEPTIDE are being facsimile  
transmitted to the Patent and Trademark Office on the date shown below.

Documents Attached

1. Form PTO/SB/21
2. Correction of Error in Small Entity Status Under 37 CFR 1.28(c)

Number of pages being transmitted, including this page: 5

Dated: March 20, 2007

  
Timothy S. Parker

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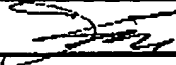
TOWNSEND and TOWNSEND and CREW LLP  
Two Embarcadero Center, Eighth Floor  
San Francisco, CA 94111-3834  
Telephone: 858-350-6100  
Fax: 415-576-0300  
KL/tsp

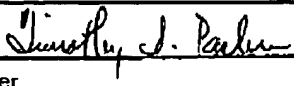
61009112 v1

MAR 20 2007

PTO/SB/21 (07-06)

<b>TRANSMITTAL FORM</b>  <small>(to be used for all correspondence after initial filing)</small>	Application Number	10/774,176	
	Filing Date	February 6, 2004	
	First Named Inventor	Carroll, Miles W.	
	Art Unit	1644	
	Examiner Name	Marianne NMN Dibrino	
Total Number of Pages in This Submission	4	Attorney Docket Number	021911-000510US

ENCLOSURES (Check all that apply)		
<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement  <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Reply to Missing Parts/ Incomplete Application <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation <input type="checkbox"/> Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ <input type="checkbox"/> Landscape Table on CD	<input type="checkbox"/> After Allowance Communication to TC <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): Correction of Error in Small Entity Status Under 37 CFR 1.28(c)
Remarks: The Commissioner is authorized to charge any additional fees to Deposit Account 20-1430.		
SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT		
Firm Name	Townsend and Townsend and Crew LLP	
Signature		
Printed name	Kawai Lau	
Date	March 20, 2007	Reg. No. 44,461

CERTIFICATE OF TRANSMISSION/MAILING			
I hereby certify that this correspondence is being facsimile transmitted to the Patent and Trademark Office, Fax No. 1-571-273-8300 on March 20, 2007.			
Signature			
Typed or printed name	Timothy S. Parker	Date	March 20, 2007

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PATENT

Attorney Docket No.: 021911-000510US

Client Ref. No.: OBM30DIV1

TOWNSEND and TOWNSEND and CREW LLP

By: Timothy J. Parker

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Miles W. Carroll, et al.

Application No.: 10/774,176

Filed: February 6, 2004

For: POLYPEPTIDE

Customer No.: 20350

Confirmation No. 7186

Examiner: Marianne Dibrino

Technology Center/Art Unit: 1644

CORRECTION OF ERROR IN SMALL  
ENTITY STATUS UNDER 37 C.F.R. §  
1.28(c)

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

As set forth at 37 C.F.R. § 1.28(c), Applicants respectfully submit that small entity status in this application was established in good faith upon the filing of the instant application, but it has now been discovered that the status was in error. Thus compliance with 37 C.F.R. § 1.28(c)(1) and 37 C.F.R. § 1.28(c)(2) is provided below to correct the error.

By way of background, the undersigned filed the instant application on February 6, 2004 with payment of small entity fees based upon information and belief that small entity status was applicable in the instant application. On February 13, 2007, the undersigned learned that small entity status was not applicable at the time of filing and that correction was required. The instant submission is thus believed to be timely filed.

03/22/2007 AWONDAF1 00000001 10774176

01 FC:1001  
02 FC:1202790.00 DA  
650.00 DA

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MAR 20 2007

Appl. No. 10/774,176  
CORRECTION OF ERROR IN SMALL ENTITY  
STATUS UNDER 37 C.F.R. § 1.28(c) dated March 20,  
2007

PATENT

37 C.F.R. § 1.28(c)(1)

This submission is limited to the deficiencies in payment of the instant application.

37 C.F.R. § 1.28(c)(2)

The table below calculates the deficiency owed for each previous fee erroneously paid as a small entity. Included below are the itemization of each fee type, the small entity fee actually paid, the deficiency owed, and the total deficiency payment owed.

Fee Type and Payment Date	Small Entity Fee Paid	Current Fee Amount	Deficiency
Filing Fee (February 6, 2004)	385	790 <sup>1</sup>	405
Excess Claims Fees (February 6, 2004)	117 <sup>2</sup>	650 <sup>3</sup>	533
			<b>Total: \$938</b>

Applicants believe that the above Total Deficiency (\$938) is the total payment owed and now enclosed herewith.

In the event that the amount shown above is still deficient, the Commissioner is authorized to charge any additional fees needed to remedy the deficiency to Deposit Account 20-1430 referencing 021911000510.

<sup>1</sup> Based on current fee requirements under 37 C.F.R. 1.16(a)(2), this amount is as follows: \$790 large entity filing fee.

<sup>2</sup> Based on PTO records, this amount is as follows: \$117 total chargeable claims fee (based on 13 excess claims at \$9 each).

<sup>3</sup> Based on current fee requirements under 37 C.F.R. 1.16(i), this amount is as follows: \$650 total chargeable claims fee (based on 13 excess claims at \$50 each).

03/22/2007 AWONDAF1 00000001 201430 10774176

01-FC:1001 790.00 DA  
02-FC:1202 650.00 DA

Appl. No. 10/774,176  
CORRECTION OF ERROR IN SMALL ENTITY  
STATUS UNDER 37 C.F.R. § 1.28(e) dated March 19,  
2007

PATENT

If a telephone conference would expedite the handling of this application, please  
telephone the undersigned at 858-350-6151.

Respectfully submitted,



Kawai Lau, Ph.D.  
Reg. No. 44,461

TOWNSEND and TOWNSEND and CREW LLP  
Two Embarcadero Center, Eighth Floor  
San Francisco, California 94111-3834  
Tel: 858-350-6100  
Fax: 415-576-0300  
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